



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200500379

Date: August 9, 2005

Comments Due: September 8, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the southern portion of the Bass Lake Road Realignment Project in El Dorado County which would result in impacts to approximately 0.93 acres of waters of the United States, including wetlands, in or adjacent to the unnamed tributary of Green Spring Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Ms. Elizabeth Diamond
County of El Dorado
Department of Transportation
2850 Fairlane Court
Placerville, California 95667
Phone: 530-621-5900

LOCATION: The project site is located west of Cameron Park just east of Bass Lake in Section 32, Township 10 North, Range 9 East, MDB&M, El Dorado County, California, and can be seen on the Clarksville USGS Topographic Quadrangle. The project site is approximately 2.5 miles north of Highway 50.

PROJECT DESCRIPTION: The applicant is proposing to construct a portion of the Bass Lake Road Realignment Project (BLRRP). A portion of this project was already constructed in 2001-2002 within the Sorrento, Inc. parcel directly north of the current proposed project site. The entire BLRRP was permitted on August 18, 1999 by Nationwide Permit Number 26 (Corps Identification Number is 199900384), and allowed for the fill of 1.26 acres of waters of the United States. A total of 0.33 acres of waters were filled under this authorization. The current proposed project that is seeking approval is for a 1/4-mile section of roadway which would result in the fill of 0.93 acres of waters of the United States.

The applicant proposes to construct a two lane divided roadway complete with a landscaped median, paved shoulders, curbs, gutters, and perimeter landscaped walkways. Most of the proposed project has a 100-foot right-of-way. This proposed roadway project includes sidewalks on both sides of the road with the west side being a meandering concrete path with an adjacent decomposed granite jogging trail. The east side sidewalk is proposed to be straight immediately adjacent to the back of the curb of the roadway.

The southern portion of the project includes improvements along approximately 350 feet of the existing Bass Lake Road. This portion of the project has a 70-foot right-of-way which includes paved curbs, gutters, turn lanes, and sidewalks. The proposed project drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The project site is approximately 8.49 acres of Sierra Nevada foothill oak woodland habitat. There are approximately 0.96 acres of waters of the United States within the project site, including drainages, seasonal wetlands and a 0.69-acre pond. The site is within a shallow draw which drains northwest into Green Spring Creek which is tributary to New York Creek which flows into Folsom Lake on the American River. The surrounding lands were primarily used for cattle grazing; however, recently the area is being heavily developed with residential housing. This project is just east of El Dorado County's Bass Lake. The elevation of the site is approximately 1,200 feet.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant purchased 1.23 mitigation credits at a Corps of Engineers approved wetland mitigation bank in September 2002 to mitigate for the Nationwide Permit Number 26 at a one-to-one ratio. The applicant is proposing to complete the mitigation requirements for this project by purchasing an additional 0.03 of an acre at a Corps' approved mitigation bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification is required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board for this project. The applicant has indicated they have applied for this certification. The applicant has also applied for a 1602 Streambed Alteration Agreement from the California Department of Fish and Game.

HISTORIC PROPERTIES: A cultural resource survey report was prepared as part of the original permit submittal for the Nationwide Permit Number 26. The applicant is currently conducting an updated records search and pedestrian survey to renew the previous documentation. These revised reports will be submitted to the Corps of Engineers for review. This will be the best available information regarding cultural resources for the proposed project. The Corps of Engineers will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: Surveys were conducted for the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the California red-legged frog (*Rana aurora draytonii*) for the original BLRRP in 1999. A biological opinion was prepared for the BLRRP by the U.S. Fish and Wildlife Service (Service) which resulted in the Service appending its 1997, *Formal Programmatic Consultation Permitting Project with Relatively Small Effects on the Valley Elderberry Longhorn Beetle within the Jurisdiction of the Sacramento Field Office*. The applicant purchased 2.00 units of valley elderberry longhorn beetle credits at a U.S. Fish & Wildlife Service approved mitigation bank in April 2003. The applicant was also required to transplant the only elderberry bush (*Sambucus mexicana*) that was found on the original project site. This plant was transplanted to a Service approved mitigation bank. The site was surveyed for red-legged frogs in 2001 and 2004. No frogs were found.

The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500379, must be submitted to the office listed below on or before **September 8, 2005**:

Kathy Norton, Project Manager
US Army Corps of Engineers, Sacramento District
San Joaquin Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Kathy.Norton@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kathy Norton, 916-557-5260, Kathy.Norton@usace.army.mil. You may also contact the applicant or the applicant's agent/consultant Ms. Ginger Fodge of Gibson & Skordal, LLC, at 916-569-1830.

Attachments: 9 Drawings